



Atty. Dkt. No. 066683-0196



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Robert MARTUZA et al.  
Title: REPLICATION-COMPETENT HERPES SIMPLEX VIRUS  
MEDIATES DESTRUCTION OF NEOPLASTIC CELLS  
Prior Appl. No.: 09/625,509; filed 07/25/2000  
Examiner: Unassigned  
Art Unit: Unassigned

**CONTINUING PATENT APPLICATION**  
**TRANSMITTAL LETTER**

Mail Stop PATENT APPLICATION  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Transmitted herewith for filing under 37 C.F.R. § 1.53(b) is a:

☐ Continuation ☒ Division ☐ Continuation-In-Part (CIP)

of the above-identified copending prior application in which no patenting, abandonment, or termination of proceedings has occurred. Priority to the above-identified prior application is hereby claimed under 35 U.S.C. § 120 for this continuing application. The entire disclosure of the above-identified prior application is considered as being part of the disclosure of the accompanying continuing application and is hereby incorporated by reference therein.

☒ Applicant claims small entity status under 37 CFR 1.27.

Enclosed are:

- ☒ Specification, Claim(s), and Abstract (50 pages).
- ☒ Formal drawings (5 sheets, Figures 1-5).
- ☒ Declaration and Power of Attorney (2 pages).
- ☐ Assignment of the invention to Georgetown University.
- ☒ Small Entity statement.

- ☒ Information Disclosure Statement.
- ☒ Form PTO-1449 with copies of None listed reference(s).
- ☒ Application Data Sheet (37 CFR 1.76).

The filing fee is calculated below:

	Claims as Filed	Included in Basic Fee	Extra Claims	Rate	Fee Totals
Basic Fee				\$770.00	\$770.00
Total	6	- 20	= 0	x \$18.00	= \$0.00
Claims:					
Independ	1	- 3	= 0	x \$86.00	= \$0.00
ents:					
If any Multiple Dependent Claim(s) present:				+ \$290.00	= \$0.00
				SUBTOTAL:	= \$770.00
<input checked="" type="checkbox"/> Small Entity Fees Apply (subtract 1/2 of above):					= \$385.00
				TOTAL FILING FEE:	= \$385.00

- ☒ A check in the amount of \$385.00 to cover the filing fee is enclosed.
- ☐ The required filing fees are not enclosed but will be submitted in response to the Notice to File Missing Parts of Application.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date 31 December 2003

By Stephen A. Bent

FOLEY & LARDNER  
Customer Number: 22428  
Telephone: (202) 672-5404  
Facsimile: (202) 672-5399

Stephen A. Bent  
Attorney for Applicant  
Registration No. 29,768

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: Robert MARTUZA *et al*  
Title: REPLICATION-COMPETENT HERPES SIMPLEX VIRUS  
MEDIATES DESTRUCTION OF NEOPLASTIC CELLS  
Appl. No.: Unassigned  
Filing Date: December 30, 2003  
Examiner: Unassigned  
Art Unit: Unassigned

**ASSERTION OF SMALL ENTITY STATUS**


Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Pursuant to 37 C.F.R. §1.27(c)(1), Applicants hereby assert entitlement to small entity status in the above-identified application.

Respectfully submitted,

Date 31 December 2003

By 

FOLEY & LARDNER  
Customer Number: 22428  
Telephone: (202) 672-5404  
Facsimile: (202) 672-5399

Stephen A. Bent  
Attorney for Applicant  
Registration No. 29,768